

Wastewater Enforcement: Arkansas Department of Environmental Quality and North Little Rock, Arkansas Retail Convenience Store Enter into Consent Administrative Order



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The Arkansas Department of Environmental Quality (“ADEQ”) and Happy Mart, Inc. (“HMI”) entered into a March 28th Consent Administrative Order (“CAO”) addressing alleged violations of a Clean Water Act National Pollution Discharge Elimination System (“NPDES”) permit. See LIS No. 17-022.

The CAO states that HMI operates a convenience store in North Little Rock, Arkansas.

The convenience store discharges treated wastewater into an unnamed tributary of Newton Creek, which eventually discharges into the Arkansas River. It was issued a NPDES permit on January 16, 2015.

ADEQ is stated to have conducted a compliance sampling inspection of the facility on February 16, 2016. The inspection allegedly revealed certain violations which included:

- Raw sewage was observed flowing from the pump located under a broken concrete slab with a metal cover adjacent to the facility. The same violation had been observed during the inspections performed on January 18, 2013 and August 29, 2014. This is an unpermitted discharge and therefore a violation of Ark. Code Ann. § 8-4-217(a)(2).
- Samples of the effluent were collected from outfall 001 and analyzed for Fecal Coliform Bacteria (FCB) in the laboratory at the Department. The results for FCB were greater than 50,000 cfu/100 ml and Regulation 2 water quality standards for a single sample maximum of 2,000/cfu/100 ml. this violates Part I, Section A of the Permit and Ark. Code Ann. § 8-4-217(a)(3).
- No chlorine tablets were observed in the chlorinator during the inspection. The same violation was observed during an inspection performed on August 29, 2014. This is a violation of Part III, Section B.1 of the Permit.

On March 9, 2016 ADEQ is stated to have conducted a review of certified Discharge Monitoring Reports submitted by the facility as required by its NPDES permit. The review allegedly identified certain violations of the permitted effluent discharge limits from January 1, 2013 through December 31, 2015:

1. Five violations for Ammonia Nitrogen
2. Two violations for Fecal Coliform Bacteria

ADEQ is stated to have received a response on February 16, 2016 from HMI which provided:

- Photographs documenting the repair of the damaged slab and manhole cover that had resulted in the unpermitted discharge
- Sampling results indicating that the effluent was within permit discharge limits

HMI submitted a Corrective Action Plan (“CAP”) on December 30, 2016 that detailed the installation of a new wastewater treatment plant with a final compliance date of November 30, 2017.

ADEQ subsequently approved the CAP.

The CAO requires that HMI implement the approved CAP in accordance with its milestone schedule. The company is also required to submit a letter from a P.E. registered in the State of Arkansas certifying that all the corrective actions listed in the CAP were completed and that the facility is in full compliance with the NPDES permit (and can remain in compliance on a consistent basis). Quarterly progress reports regarding corrective actions that have been completed and those that are anticipated to take place during the next quarter must be provided to the agency.

A civil penalty of \$1,000 is assessed.

[A copy of the CAO can be downloaded here.](#)